IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE TWENTY THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 465 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 01/02/2005 in WP NO : 767 OF 2005 on the file of the High Court.)

Between:

Kandula Venkata Subba Rao, s/o Rayudu,
R/o bazar Street, Gurramkonda Village, Chittoor District.

..... APPELLANT

AND

1 The District Collector, Chittoor, Chittoor District.
2 Joint Collector-cum-Settlement Officer, Chittoor District, Chittoor.
3 The Mandal Revenue Officer, Gurram Konda Mandal, Chittoor District.

.....RESPONDENT(S)

Counsel for the Appellant: MR.S.S.BHATT

Counsel for the Respondents: GP FOR REVENUE

The Court made the following Oral Judgment: (per Sri Devinder Gupta,CJ)

Challenge by the appellant is to the order of the learned Single Judge, who dismissed the writ petition of the appellant on the ground that it has no merit and observed that the appellant has filed O.S.No.176 of 1998, which was initially dismissed for default and an application was filed by the appellant for restoration of the suit.

Once the appellant-petitioner had availed the remedy of preferring Civil Suit seeking declaration of his right and title over the lands and obtained injunction against the respondents from interfering with his possession, the learned single Judge was justified in dismissing the writ petition, which could have been dismissed simply on that ground alone, without making any further observations about the status of title or entitlement of the appellant for any orders, which would be subject to the outcome of the Civil Suit.

Hence, we dismiss this appeal by making it clear that the observations made against the appellant by the learned single judge in the impugned order will not come in the way of the appellant in prosecuting the suit and in obtaining appropriate relief.

The Writ Appeal is accordingly dismissed. There shall be no order as to costs.

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(DEVINDER GUPTA,CJ)

Date:23.03.2005

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(B.SESHASAYANA REDDY,J)

Note: Office to furnish copy

in three days.

(B/o.)

Pnb/ts

To

1 The District Collector, Chittoor, Chittoor District.
2 Joint Collector-cum-Settlement Officer, Chittoor District, Chittoor.
3 The Mandal Revenue Officer, Gurram Konda Mandal, Chittoor District.

4 2 CCs to the learned Government Pleader for Revenue, High Court of A.P., Hyderabad (OUT).

5 2 CD copies.